

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **June 13, 2006**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedications Request – Towne Commons, Lots 1-13, Extensions of Millstone Road, off McConville Road and Miles Place, off Millstone Road**

RECOMMENDATION: Approval of resolution to approve the street dedications request.

SUMMARY: Towne Commons, LLC, represented by Thomas C. Brooks, Sr., Acres of Virginia, Inc., is requesting to dedicate two new public street extensions--Millstone Road, off McConville Road and Miles Place, off Millstone Road in the "Town Commons, Lots 1-13, Resubdivision of Lots 1A & 1B" Subdivision. Millstone Road, with a fifty (50) foot right-of-way, would extend from its present terminus in a southerly direction for approximately 300 feet to its terminus in a cul-de-sac. Miles Place, with a fifty (50) foot right-of-way, would extend from its present terminus in a southerly direction for approximately 300 feet to its terminus in a cul-de-sac. The new street extensions will serve 13 newly created lots for residential development.

PRIOR ACTION(S):

May 24, 2006: Planning Division recommended approval
Planning Commission recommended approval (7-0 with no one absent)

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT INCLUDING THE DEDICATION AND EXTENSION OF TWO (2) PUBLIC STREETS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the preliminary Subdivision Plat entitled "Plat Showing Lots 1-13, Towne Commons, made by Acres of Virginia, Inc., dated April 12, 2006 resubdividing into thirteen (13) lots two tracts totaling approximately 7.133 acres located on the south side of Millstone Road and Miles Place and extending and dedicating to the City of Lynchburg for the public use two (2) public streets in said subdivision, to be constructed in compliance with the above referenced plat consisting of a total of 1.017 acres, the new street rights-of-way are described as follows:

1. An extension of Millstone Road in a 50 foot right-of-way for approximately 300 feet in a southerly direction to its terminus in a cul-de-sac; and
2. An extension of Miles Place with a fifty (50) foot right-of-way for approximately 300 feet in a southerly direction to its terminus in a cul-de-sac.

. . . be, and the same is hereby approved and accepted, contingent upon obtaining construction bonds and the recordation of an executed subdivision plat, and the City Engineer and Clerk of Council are hereby authorized to sign the final plat of said subdivision, upon the approval of the said final plat by the Technical Review Committee.

AND BE IT FURTHER RESOLVED, that the name of the extended streets, Millstone Road and Miles Place, are hereby approved.

Adopted:

Certified:

Clerk of Council

060L

THE DEPARTMENT of COMMUNITY DEVELOPMENT

City Hall, Lynchburg, VA 24504

434.455.3900

To: Planning Commission

From: Planning Division

Date: May 24, 2006

RE: **STREET DEDICATIONS REQUEST - TOWNE COMMONS, LOTS 1-13, EXTENSIONS OF MILLSTONE ROAD, OFF MCCONVILLE ROAD AND MILES PLACE, OFF MILLSTONE ROAD**

I. APPLICANT

Property Owner: Towne Commons, LLC, P.O. Box 4338, Lynchburg, VA 24502-0338

Representative: Thomas C. Brooks, Sr., Acres of Virginia, Inc., 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject property is two tracts of land containing a total of 7.133 acres located on the south side of Millstone Road and Miles Place. Millstone Road is off McConville Road, and Miles Place is off Millstone Road. The proposed new street extensions contain 1.017 acres located at the ends of Millstone Road and Miles Place.

III. PURPOSE

The purpose of the request is to dedicate 1.017 acres for rights-of-way for the proposed public street extensions of Millstone Road and Miles Place. The street extensions will serve 13 newly created lots for residential development.

IV. SUMMARY

- **Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low Density Single-Family Residential District.**
- Request agrees with the Zoning Ordinance requirements for rights-of-way dedications.

The Planning Division recommends approval of the public street extensions request.

V. FINDINGS OF FACT

1. **Background.** Thomas C. Brooks, Sr., is requesting to dedicate 1.017 acres for rights-of-way for the proposed public street extensions of Millstone Road, which is located off McConville Road, and Miles Place, which is located off Millstone Road. Millstone Road, with fifty (50) feet of right-of-way, would extend from its present terminus in a southerly direction for approximately 300 feet to its terminus in a cul-de-sac surrounded by lots created by this subdivision. Miles Place, with fifty (50) feet of right-of-way, would extend from its present terminus in a southerly direction for approximately 300 feet to its terminus in a cul-de-sac surrounded by lots created by this subdivision.
2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the street dedications request.
4. **Proposed Use of Property.** The street extensions would serve 13 newly created lots for residential single-family development.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on May 2, 2006. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the applicant prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested street dedications:
 - "Separate road-water-sewer plans must be submitted to the Engineering Division for any infrastructure which will ultimately become the property of the City of Lynchburg."
 - "Easements for water, sewer and drainage infrastructure must be included on this plat for approval. Typically this requires the design to be complete in order to know the location of these easements."

- “(It is recommended that the) Miles Place right-of-way be extended to the property line at Newtown Lot 26, Section 1.”
- “Correct the water/sewer note to state that city water and sewer will be available to this property.”

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street extensions of Millstone Road and Miles Place, both with fifty (50) feet of right-of-way, approximately 300 feet in length, to be constructed in substantial compliance with the plat by Acres of Virginia, Inc., dated April 12, 2006. The dedication of Millstone Road and Miles Place extensions and their acceptance as public streets are contingent on Towne Commons, LLC filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of Millstone Road and Miles Place as public street extensions null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Thomas C. Brooks, Sr., Representative

VII. ATTACHMENTS

1. **“Plat Showing Lots 1-13 Towne Commons”**
(see attached plat by Acres of Virginia, Inc., dated April 12, 2006)

MINUTES FROM THE MAY 24, 2006 PLANNING COMMISSION MEETING. THESE MINUTES HAVE BEEN REVIEWED BUT NOT APPROVED BY THE COMMISSION.

Petition to dedicate 1.017 acres for rights-of-way for the proposed public street extensions of Millstone Road and Miles Place. The street extensions will serve thirteen (13) newly created lots for residential development.

Mr. Martin explained that the street dedication request would allow the extension of Millstone Road and Miles Place to serve thirteen (13) new single-family lots. He said that these lots would be served by city water and sewer and underground utilities, and added that the plan met the requirements of the Zoning and Subdivision Ordinance. He concluded by saying that the Planning Division recommended approval of the street dedication.

Mr. Thomas Brooks of Acres of Virginia, Inc. addressed the Commission. He said that his client proposed to put two streets in as an extension of Miles Place and Millstone Road, ending in cul-de-sacs with thirteen (13) lots that would have services such as city water and sewer. He told the Commission that he would be glad to answer any questions regarding the request.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Chair Flint and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street extensions of Millstone Road and Miles Place, both with fifty (50) feet of right-of-way, approximately 300 feet in length, to be constructed in substantial compliance with the plat by Acres of Virginia, Inc., dated April 12, 2006. The dedication of Millstone Road and Miles Place extensions and their acceptance as public streets are contingent on Towne Commons, LLC filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Millstone Road and Miles Place as public street extensions null and void."

AYES:	Bacon, Barnes, Flint, Hamilton, Sale, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSTEN:	Oglesby	1